



SO ORDERED.

SIGNED this 23rd day of December, 2019

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**


Suzanne H. Bauknight
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF TENNESSEE**

In re

ALLEN HOOD

Case No. 3:17-bk-33605-SHB
Chapter 7

Debtor

ARTHUR R. ROONEY,
JUST TENNESSEE LTD., and
ABBACAS HOLDINGS, LTD.

Plaintiffs

v.

Adv. No. 3:18-ap-03008-SHB

ALLEN HOOD

Defendant

ORDER

For the reasons stated in the Memorandum filed this date, constituting findings of fact and conclusions of law as required by Rule 7052 of the Federal Rules of Bankruptcy Procedure (incorporating therein Federal Rule of Civil Procedure 52), resolving the Defendant/Debtor's

Motion for Summary Judgment (“Motion”) filed on October 15, 2019 [Doc. 26], the Court directs the following:

1. Because Plaintiffs Arthur R. Rooney and Just Tennessee, Ltd. were not parties to case number 12-CV-117 in the Jefferson County Chancery Court; are not holders of the Judgment awarded through the Final Decree on Special Master Report entered by Chancellor Telford E. Forgety, Jr. on February 24, 2017; and do not hold a collectible debt against Defendant based on expiration of the statute of limitations codified by either Tennessee Code Annotated § 28-3-105 or § 28-3-109, the Motion is GRANTED to that extent. The Complaint is dismissed with respect to Arthur R. Rooney and Just Tennessee, Ltd.

2. Because a determination of dischargeability is not within the province of a state court and claim preclusion does not apply in 11 U.S.C. § 523(a)(2), (4), or (6) proceedings and the issue of fraud was not raised or litigated in the Jefferson County Chancery Court, and there is a genuine issue of material fact concerning the issue of fraud and whether the Judgment held by Abbacas against Defendant should be nondischargeable under § 523(a)(2), (4), or (6), the Motion is DENIED with respect to those issues.

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